

Private Security/Private Investigator Policy Committee Meeting Minutes August 20, 2013

The Private Security/Investigator Policy Committee of the Board of Public Safety Standards and Training held a regularly scheduled meeting on August 20, 2013 at the Department of Public Safety Standards and Training, 4190 Aumsville Hwy SE, Salem 97317. The meeting was called to order by Chair Jeff Martin at 1:33pm.

Attendees:

Policy Committee Members:

Jeff Martin, Chair
Paul Castleberry, Armed Private Security Professionals (by phone)
William Geiger, Manufacturing Industry (by phone)
Robert Henderson, Alarm Monitoring
Ernest (Ernie) Loy, Private Business
Ronald Miller, Investigator (OSB Appointed)
Judy Pongratz, Retail Industry
Mark Rauch, Public Member
Justin Walker, Hospitality Industry

Committee Members Absent:

Shawn Cardwell, Vice Chair
Jim Gibson, Investigator
Chuck Wade, Unarmed Security

DPSST Staff:

Brian Henson, Manager
Suzy Herring, Compliance Investigator
Julie Johnson, Compliance Specialist
Kristine Boatman, Licensing Specialist
Linsay Hale, Interim Standards & Certification Program Manager
Sharon Huck, Interim Rules Coordinator
Kristen Hibberds, Standards and Compliance Coordinator
Carissa White, Compliance Specialist
Shay Stafford, Student Worker
Austin Miller, Student Worker

Guests:

Kathleen Schraufnagel, Omnitronics (by phone)
Kevin Sheen, Private Security
Jason Hess, Private Investigator
Theresa Stark, Alarm Central Station
Jim Essam, Alarm Central Station



1. Chair's Report and Administrative Announcements

This is a public meeting, subject to the public meeting law and it will be digitally recorded.

2. Public Comment

Jim Essam – Parting comments to the PSIPC. Highlighted his terms in the PSIPC and urged Private Security and Public Safety to work together more closely.

3. Department Updates

Presented by Brian Henson

Reiteration of last meetings address reminding all policy committee members of public meetings law and email correspondence.

Promotions include Julie Johnson to Compliance Specialist 2, Suzy Herring to Compliance Investigator. Carissa White is our new Compliance Specialist 1, Kristine Boatman is our new Office Specialist 2. We also have learned that Todd Mitchell, our other Office Specialist 2, will be returning to DPSST Facilities after being with us for 4 years. Staci Stilwell was our Office Specialist 1; she accepted a position in DPSST Human Resources. This leaves 2 vacant positions which are in the process of being filled. Interviews for Mike James' training and development position have been completed and the position is moving forward to Human Resources.

PS/PI programs are doing well, ended last biennium with no deficits. We are entering the new biennium with strong programs. No fee adjustments for this biennium. Though the program can have a carryover balance from biennium to biennium; by law it is revenue neutral. Program is in a good, strong place.

DPSST as a whole ended the biennium at current service level with the Legislature not providing any additional cuts to DPSST. At the end of session we received another bill which added programs back that were cut in previous bienniums. Those programs included the leadership and supervisory management programs for law enforcement. Bill centered around the Center for Policing Excellence to deal with issues specific to management and supervisors in Law Enforcement fields as well as Active Shooter situations and Evidence-Based policing.

Brian concluded the department updates and Jeff addressed an additional item not on the agenda, introductions of new committee members.

New members include: Robert Henderson, representing Alarm Monitor industry; Ronald Miller, Investigator (OSB Appointed); Mark Rauch, Public Member.

4. **Minutes**

The last scheduled telephonic meeting was July 9, 2013 but was cancelled due to lack of quorum. No official minutes will be kept for this meeting.

Judy Pongratz moved to accept the minutes from the May 21, 2013 meeting as written, which was seconded by Ernest Loy. Motion carried unanimously.

For the complete record of the May 21, 2013 meeting go to:

http://www.oregon.gov/dpsst/BD/Policy_Committee_Minutes/PSIPIC_Minutes/PSIPC052113.pdf

5. **Jeffrey McGlothlin, Applied Integrated Technologies, Inc-PSID 50345**

Presented by Suzy Herring

The Policy Committee adopted the Staff report as the record.

See **Appendix A** for details.

- By discussion and consensus
 - a. The PSIPC determined that MCGLOTHIN'S conduct involved *Dishonesty* when he brought an already completed photocopied exam to the manager course at DPSST.
 - b. The PSIPC determined that MCGLOTHIN'S conduct involved *Lack of Good Character* when he brought a completed exam that he intended to submit under his name and was aware that he had a responsibility to complete the exam himself as part of the manager course.
 - c. The PSIPC determined that MCGLOTHIN'S conduct did not involve *Mistreatment of Others*.
 - d. The PSIPC determined that MCGLOTHIN'S conduct involved *Lack of Public Trust* when he brought a completed exam to the course and this exam was not completed by him.
 - e. The PSIPC determined that MCGLOTHIN'S conduct did not involve *Lack of Respect for the Laws of this State or Nation*.

By discussion and consensus, the Policy Committee identified the following mitigating and aggravating circumstances:

The PSIPC found as aggravating circumstances that MCGLOTHIN did not come forward and identify to the instructor that he had an exam in his possession completed by someone else.

The PSIPC found as mitigating circumstances that MCGLOTHIN did bring to staffs' attention that he had the wrong exam once he realized other students had a different exam. He did complete and pass a different manager exam. The supervisory manager application for MCGLOTHIN was his first manager

application and he took steps to correct it. MCGLOTHIN was truthful when answering questions when asked during the investigation.

- Ernest Loy motioned that MCGLOTHIN’S conduct did not rise to warrant revocation and denial, seconded by Justin Walker. 2 in favor, 6 opposed.
- Mark Rauch motioned that MCGLOTHIN’S conduct rises to warrant denial of his supervisory manager license application and revocation of his armed/unarmed certification and recommended the same to the Board. Judy Pongratz seconds. 6 in favor, 2 opposed. Motion carries.

Brian Henson adds that committee members can keep the documentation for the case that was sent to them by the Department as long as they’re keeping it under their purview only and aren’t sharing it with people amongst their offices, etc. Under public records law, if notes are being written on the documents (highlighter marks are okay, helping with timeline purposes is okay) that are aiding them in their decision about the case, those written-on documents become the Department’s property for records retention and they should not be destroyed. If the document does not meet records retention requirements, it can be left behind for the department to shred.

6. OAR 259-061-0040 & 259-061-0300 Private Investigator Moral Fitness - Proposed Rule
Presented by Linsay Hale

See Appendix B for details.

This rule change implements core Private Investigator Values and makes all person felonies a mandatory denial or revocation.

Two oversights in this rule were found and updated:

- Page 8, subsection 2; halfway down the page it reads “The Department must deny or revoke the license of any applicant or Private Investigator after written notice and hearing.” Linsay Hale suggests that we add “if requested” at the end of that statement.
- Page 9, subsection 4; “The Department may deny or revoke the licensure of any applicant or Private Investigator after written notice and hearing.” Linsay Hale suggests that we add “if requested” at the end of that statement. Both additions would enable the Department to move forward without a hearing, should the person whose licensure is being considered doesn’t request a hearing.

Staff is requesting that this committee determine whether to recommend filing this proposed language with the Secretary of State as proposed Rule and as permanent rule if no comments are received and they come to a consensus about the fiscal impact on small businesses.

Ernest Loy moves that we recommend to the Board filing the proposed language for OAR 259-061-0040 and OAR 259-061-0300 with the recommended changes as identified today with the

Secretary of State as a proposed rule and permanent rule if no comments are received. Seconded by Mark Rauch. Motion carried unanimously.

It is the consensus of the committee there is no fiscal impact on small business.

7. **OAR 259-060-0300 Denial/Suspension/Revocation**

Presented by Linsay Hale

See Appendix C for details

This rule change implements that at the Policy Committee's request the denial revocation process found in rule has been updated to clearly show the ability for staff summary determination in cases of discretionary disqualifying misconduct. This will only be in instances when a consensus is not reached. The case will then come before the Policy Committee and then go before the Board.

Mark Rauch moves that we recommend filing the proposed language for OAR 259-060-0300 with the Secretary of State as a proposed rule and as a permanent rule if no comments are received. Seconded by Ronald Miller. 7 in favor, one opposed. Motion carries. No significant fiscal impact.

It is the consensus of the committee there is no fiscal impact on small business.

8. **Subcommittee Reports**

A. Curriculum – Judy Pongratz

B. Last meeting was July 3, 2013. Subcommittee decided to what order the curriculum would be trained at that meeting. Ordered 1-13 in this sequence:

- a. Workplace violence and emergency
- b. Critical incidents
- c. General security
- d. Homeland security
- e. Communication skills
- f. Physical skills
- g. Administration skills
- h. Enforcement and safety skills
- i. Patrol procedures
- j. Electronic monitoring
- k. Enforcement
- l. Legal investigation
- m. Use of force

Subcategories will then be placed under each applicable subject. Training curriculum is in rough draft format. Committee on hold due to Mike James' departure.

C. Armed – Paul Castleberry

Nothing to report.

D. Alarm Monitor – Robert Henderson

- a. Suggesting possible OAR additions to allow non-certified alarm monitors to perform alarm monitor duties in an emergency situations with timeframes and ETA of restoration of normal operations. (Brian Henson clarified on this point. Subcommittee will need to contact at a statutory or legislative level, not at an administrative level. This type of change cannot be done at a public level).
- b. Meetings Schedule
 - i. 4th Wednesday every month but only if there is a need for it
 - ii. Every 2 months as standard
- c. Federal regulation bringing reciprocity regulation of the alarm monitoring industry between states.
- d. Telecommunications
 - i. Technology impacting reliability of alarm communications is in transition. Survey indicates expected transition trend is not as great as expected. Plain Old Telephone Service (POTS) is still predominant, but potential is there for many alarm systems to cease communicating.
 - ii. Introduction from ASAPS to PSAPS in Oregon was discussed.
 - iii. Vice chair or co-chair concept was discussed and proposed by the subcommittee but nobody has stepped up to fill the role.
 - iv. Alarm Monitor Training Manual revision developments have been slow, most sections have been revised but transcription to the manual have been slow. It is the subcommittee's hope for more support staff to improve this for a more rapid transition.
(Brian Henson clarified on the technology report with: as a public entity we can only do what the law allows. Telecommunications technology is an industry issue, not a regulatory issue, the agency can't address the issue or implement rule or law about what can or cannot come in.)

E. Investigator – Jim Gibson/Ronald Miller

- a. Completed the Moral Fitness requirements.
- b. How to facilitate regulation of unlicensed investigators; wishes to meet with DPSST staff to see how they would like to continue going about regulating this or any changes they would like to implement.

9. Meeting adjourned at 4:11pm. Next Private Security/Private Investigator Policy Committee Meeting scheduled for November 19, 2013, in Salem, Oregon.